

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD EUGENE JAMES,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. 2:21-cv-00713-KJM-JDP (PC)

ORDER

Plaintiff Ronald Eugene James, a state prisoner or pretrial detainee proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 4, 2022, the magistrate judge filed findings and recommendations, which were served on the plaintiff and which contained notice to the plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. The plaintiff has not filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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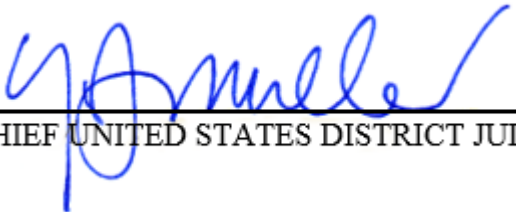
1 . . .”). Having reviewed the file, the court finds the findings and recommendations reach the
2 correct result. However, the court declines to follow two parts of the analysis.

3 First, the findings and recommendations state the court must abstain from considering
4 certain allegations, but the court must only abstain from intervening in state court criminal
5 proceedings. Any underlying allegations about the plaintiff’s treatment could be considered.
6 Second, on the current record, it is not clear what the plaintiff means by a request for release from
7 “custody.” Mot. at 2, ECF No. 17. To the extent the plaintiff’s motions for injunctive relief seek
8 intervention in the ongoing state criminal proceedings against him, they must be denied. *Younger*
9 *v. Harris*, 401 U.S. 37, 43–45 (1971). If release from custody could be construed as a request for
10 habeas corpus now or later, then it might be appropriate for a court to consider that request if
11 properly presented.

12 Accordingly, IT IS HEREBY ORDERED that:

- 13 1. The conclusion of the findings and recommendations filed May 4, 2022, is adopted;
14 2. Plaintiff’s requests for injunctive relief contained in ECF Nos. 17 & 18 are denied; and
15 3. This matter is referred back to the assigned magistrate judge for all further pretrial
16 proceedings.

17 DATED: October 26, 2022.

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20 CHIEF UNITED STATES DISTRICT JUDGE
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